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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,301	07/01/2003	Shantha Sarangapani	ICET01	5567

27797 7590 05/17/2006

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EXAMINER
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KENNEDY, SHARON E

ART UNIT	PAPER NUMBER
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1615

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/611,301	<b>Applicant(s)</b> SARANGAPANI ET AL.	
	<b>Examiner</b> Sharon E. Kennedy	<b>Art Unit</b> 1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16 is/are rejected.
- 7) ☒ Claim(s) 15, 17, 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/01/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action or the MPEP.

#### ***Election/Restrictions***

Claim 21 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 20, 2006.

#### ***Claim Rejections - 35 USC § 103***

Claims 1-4, 6, 7, 12-14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan, US 5,300,049.

Hogan discloses a urinary catheter system. See figure 6 described on column 19, lines 15+. Coupling 80 (column 19, line 53) anticipates the claimed invention. Porous matrix layer 84 serves as the fluid-modulating element (column 20, line 7). The fluid modulating element may be various polymers as set forth in column 10, lines 18-46. Note the anti-microbial agent, column 12, line 13, which may be incorporated (column 11, lines 15-16) into the fluid-modulating element. Note also one-way valve 86.

Accordingly, the only difference between the present invention and Hogan is that the Hogan valve 86 is in the "lower" portion of the coupling 80 instead of the upper. However, the examiner takes the position that this is a mere rearrangement of parts and is *prima facie* obvious in the lack of a showing of criticality. See MPEP 2144.04, VI., A., Reversal of Parts, which sets forth the legal precedent forming the basis of this rejection.

Regarding claim 2, see column 8, line 40, disclosure of "plastics," for example. Regarding claims 3, 6, making a device unitary or separable is a *prima facie* obvious design choice. See the legal precedent in MPEP 2144.04 V., Making Portable, Integral, Separable, Adjustable, or Continuous. Clearly a unitary device is more sanitary if the entire apparatus is short-term use and is completely discarded. Alternatively, making the device separable is an advantage if the collection bag or catheter is to be reused. Regarding claim 7, "plastics constructed as various nettings, weaves and textiles" (column 10, line 34) are commonly formed by extrusion. Regarding claim 14, the disclosure of clays, metals and crystals (column 10, line 27) is a disclosure of a particulate type filter. Applicant's broad range encompasses the entire range of possible particle sizes useful for filters.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan '049 in view of DeLaurentis et al., US 5,295,979. Claim 5 requires that the inner surface be coated with an antimicrobial coating. DeLaurentis exemplifies that coatings are routinely applied to the inner surfaces of urinary bag filters. Accordingly, it would be obvious to one of ordinary skill in the art to apply a coating of antimicrobial to the Hogan device as shown by DeLaurentis for the purpose of enhancing the sterility of the Hogan filter.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan '049 in view of Beck, US 2002/0030006. Hogan fails to disclose the specific filter shape but essentially discloses that various filter shapes are contemplated in the invention. See column 10, especially lines 42-46. Beck is cited to exemplify that

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various shaped filters are known and conventional. It would be obvious to one of ordinary skill in the art to fort a filter layer in any shape dependent upon the desired surface area exposure.

***Allowable Subject Matter***

Claims 19 and 20 are allowed.

Claims 15, 17, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

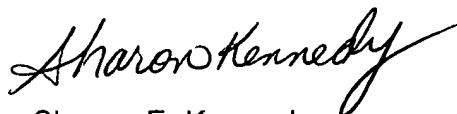
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See also Mount, US 3,396,727 and Leibinsohn, US 4,232,677.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached on 571/272-8373.



Sharon E. Kennedy  
Primary Examiner  
Art Unit 1615